

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7820**

**BILL NUMBER:** HB 1766

**DATE PREPARED:** Feb 22, 1999

**BILL AMENDED:** Feb 18, 1999

**SUBJECT:** Misdemeanant funds; custody of misdemeanants.

**FISCAL ANALYST:** Mark Bucherl

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**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes a county misdemeanor fund in each county. It provides a formula for the distribution of money to each county for deposit in the county misdemeanor fund. It repeals provisions requiring: (1) the Department of Correction to pay a per diem to counties for certain misdemeanants confined in a county jail; (2) a county legislative body to establish a county corrections fund; and (3) a county legislative body to make an election concerning the level of funding that the county will receive from the state for local correctional facilities. It also makes other related changes.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** This bill provides that the greatest of three possible funding options be provided to counties for their misdemeanor housing expenditures: (1) the current FY 1999 funding figure of \$2.3 M; (2) the total amount established within this bill, \$2.77 M; or (3) an undetermined appropriation (to be divided among counties based on each county's multiplier). No appropriation is made in this bill. Ultimately, the source of funds specified by this bill will depend upon legislative action.

This bill eliminates DOC payments to counties for housing misdemeanants who have been committed to DOC, but are residing in county jails. As of December 14, 1998, these included 188 misdemeanants. The DOC pays counties a per diem of \$35 for up to 180 days. Based on an average daily jail population of 150 to 200 misdemeanants, DOC could save between \$0.9 M. to \$1.3 M. annually.

The cost for county jail misdemeanants, specified here, is part of the estimated \$14 M paid to county jails in FY 1999 for housing all state offenders. This figure includes about 1,500 felons housed in county jails and awaiting DOC placement as of December 14, 1998.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Counties are currently reimbursed \$35 per diem by the DOC for the cost of housing misdemeanor offenders in county jails. The average daily cost of housing offenders in county jails is \$44. Under this bill, counties would no longer be reimbursed. This measure may particularly effect counties that have historically sentenced many misdemeanants to the DOC (e.g., Elkhart and Madison counties accounted for 72% of the 156 misdemeanants committed to DOC as calculated in September, 1996).

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction

**Local Agencies Affected:** County jails.

**Information Sources:** Planning Division, Department of Correction; Indiana Sheriffs Association.